

EXHIBIT 3

1 Dated January 14, 2000 and the)
 2 Irrevocable Trust for the)
 3 Benefit of Christopher J.)
 4 Tigani dated November 20, 2000,)
 5 and derivatively on behalf of)
 6 N.K.S. DISTRIBUTORS, INC.,)

7 Plaintiff,)

8 v.)

9 ROBERT F. TIGANI, individually)
 10 and as Trustee of the)
 11 Irrevocable Trust for the)
 12 Benefit of Robert F. Tigani,)

13 Defendant,)

14 And)

15 N.K.S. DISTRIBUTORS, INC.,)

16 Nominal Defendant,)

17 And)

18 STEVEN R. DIRECTOR,)
 19 A. PAUL RUGGIERO,)
 20 ANTHONY HORVAT,)

21 Third-Party Defendants,)

22 And)

23 BAYARD, PA,)

24 Third-Party Defendant,)

And)

WHEELER, WOLFENDEN &)
 DWARES, CPA,)

Third-Party Defendant,)

- CAPTION CONTINUED -



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1 And)
 2 WILMINGTON TRUST COMPANY,)
 3 Third-Party Defendant,)
 4 And)
 5 WILMINGTON SAVINGS FUND)
 6 SOCIETY, FSB,)
 7 Third-Party Defendant.)
 8 -----)

9 Deposition of CHRISTOPHER J. TIGANI
 10 taken pursuant to notice at the law offices of
 11 Connolly, Bove, Lodge & Hutz LLP, 1007 North
 12 Market Street, Wilmington, Delaware, beginning at
 13 9:17 a.m., on Monday, February 15, 2010, before
 14 Kurt A. Fetzer, Registered Diplomate Reporter and
 15 Notary Public.

16 APPEARANCES:

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 23 Inc. and Defendant Robert F. Tigani
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Savings Fund Society, FSB

23 ALSO PRESENT:

24 ROBERT F. TIGANI



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Christopher J. Tigani

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1 CHRISTOPHER J. TIGANI,
2 the deponent herein, having first been
3 duly sworn on oath, was examined and
4 testified as follows:

5 EXAMINATION

6 BY MR. GALLAGHER:

7 Q. Good morning.

8 A. Good morning.

9 Q. Please state your name.

10 A. Christopher Tigani.

11 Q. Where do you live?

12 A. 1111 Berkeley Road, Wilmington, Delaware,
13 19807.

14 Q. What's your date of birth?

15 A. December 3rd, 1970.

16 Q. Please describe your education after high
17 school.

18 A. I went to Guilford College in Greensburg,
19 North Carolina, received a B.S. in management. I
20 graduated in 1992.

21 I attended several courses at the
22 University of Delaware in hopes to get an M.B.A.
23 I attended probably six or seven courses and have
24 not completed that.



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Christopher J. Tigani

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1 A. Because I wanted to store documents on
2 the server.

3 Q. Did you collect e-mails from the N.K.S.
4 server that came from e-mail boxes other than
5 your own?

6 A. Yes.

7 Q. Did you do that personally?

8 A. Yes.

9 Q. And during what period of time were you
10 doing that?

11 A. Up until the point that I was terminated.

12 Q. Were there any particular e-mail boxes
13 that you were collecting documents from?

14 A. Yes.

15 Q. Whose?

16 A. My own, Bob Tigani, Darlene Wunner, Paul
17 Ruggiero. That's it.

18 Q. And how did you get access to their
19 e-mail boxes?

20 A. I have a domain password or an
21 administrator password.

22 Q. And how did you get that?

23 A. I set it up.

24 Q. When did you set it up?



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Christopher J. Tigani

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1 A. When we got the server.

2 Q. 2003?

3 A. Don't hold me to it. It could be
4 sometime whenever we got the server.

5 Q. So you have had access to everybody's
6 e-mails in the company since 2003?

7 A. Yes.

8 Q. And you were able to view other people's
9 e-mails both in the office and remotely. Is that
10 right?

11 A. Yes.

12 Q. Why were you looking at the e-mails of
13 Paul Ruggiero?

14 A. Because I felt that he was involved in
15 Bob and Steve's plan. I've confirmed that he
16 was. And I didn't believe he was telling me the
17 truth when he and I would have private meetings
18 and I didn't trust Mr. Ruggiero.

19 Q. And why were you looking at the e-mails
20 of Darlene Wunner?

21 A. Because she would tell me that she had
22 some e-mails that she wanted me to see.

23 Q. Couldn't she just send them to you?

24 A. She could.



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Christopher J. Tigani

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1 Q. Did she?

2 A. No.

3 Q. She wanted you to go into her e-mail box
4 and look at them?

5 A. Yes.

6 Q. How did you know which ones to look for?

7 A. She would tell me pretty specifically
8 what to look for.

9 Q. Did you ever use any software to recover
10 people's passwords?

11 A. No.

12 Q. Did you have the capability to do that?

13 A. Yes.

14 Q. How did you get that capability?

15 A. Software was installed on many computers
16 that had the ability to do that, but you didn't
17 need it because you could just print out a list
18 of people's passwords from the server or from the
19 domain or from whatever, from the Exchange
20 server.

21 Q. So you had access to the N.K.S.
22 passwords?

23 A. Yes.

24 Q. Did you also have access to other



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Christopher J. Tigani

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1 passwords?

2 A. I don't know what you mean.

3 Q. Well, people at N.K.S. had passwords and
4 were using the N.K.S. system. Is that right?

5 A. Some people had different passwords for
6 their Exchange server and some people had the
7 same password for N.K.S.'s internal -- you know,
8 a mail server and a company server are different.
9 Some people have different passwords for them,
10 but I had access to all of their passwords.

11 Q. So if someone had AOL a password, you had
12 access to that?

13 A. Yes.

14 Q. That would include Bob Tigani's AOL
15 password?

16 A. Yes.

17 Q. And even if he changed it, you would have
18 access to the password. Is that right?

19 A. Yes.

20 Q. And you used that password to go into his
21 AOL account?

22 A. Yes.

23 Q. How frequently did you do that?

24 A. Once every couple of days.



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Christopher J. Tigani

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1 Q. During what period of time?

2 A. Up until the point that I was terminated.

3 Q. Starting when?

4 A. Starting in July of 2008. I set up his
5 AOL e-mail and he gave me his password because I
6 set it up. It used to be [REDACTED] and then he
7 changed it to [REDACTED].

8 So if you're referring to his e-mail,
9 I also got it from him.

10 Q. Did you find that he changed it at any
11 point in time between July 2008 and the date of
12 your termination?

13 A. I believe he changed it to [REDACTED]
14 I'm not sure.

15 Q. Well, why do you believe he changed it to
16 [REDACTED]?

17 A. Because I believe that he did.

18 Q. Did he tell you that?

19 A. He did not.

20 Q. How did you find out?

21 A. Through the server.

22 Q. And so during the time that you were
23 reading his e-mails from July 2008 to the time
24 you were terminated, your recollection is that he



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Christopher J. Tigani

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1 had three AOL passwords. Is that right?

2 A. That's my recollection.

3 Q. First it was [REDACTED], second was [REDACTED]
4 and third was [REDACTED]?

5 A. I believe so.

6 Q. And the first two you got because they
7 were available to you through the server and also
8 Bob gave them to you?

9 A. Correct.

10 Q. And the third one you got through the
11 server, but Bob did not give to you, correct?

12 A. I believe so.

13 Q. Do you know what Bob Tigani's AOL
14 password is now?

15 A. No.

16 Q. When was the last time you went into his
17 AOL e-mail box?

18 A. Probably middle of June 2009.

19 Q. That was after your termination, correct?

20 A. Yes.

21 Q. And why did you not go into it after
22 mid-June 2009?

23 A. I was told by counsel that I should not
24 do that and I listened to him.



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Christopher J. Tigani

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1 Q. Did counsel tell you why you shouldn't do
2 it?

3 A. No.

4 Q. Didn't you ask?

5 A. I could infer by the conversation.

6 Q. Could you infer that it was unethical?

7 A. I didn't believe it was unethical.

8 Q. Could you infer that it was illegal?

9 A. One might be able to do that, but that's
10 not why.

11 Q. That's not why you stopped?

12 A. That's not why I believe he was telling
13 me that.

14 Q. Why do you believe he was telling you?

15 MR. RAMUNNO: I guess you're getting
16 into attorney-client privilege now. I don't
17 represent him, but we're getting into attorney-
18 client privilege.

19 A. I say just going to assert that anyway.
20 objection.

21 Q. You're instructing yourself not to
22 answer?

23 A. I have told myself not to answer that
24 question on the basis that it does violate the



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Christopher J. Tigani

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1 attorney-client privilege.

2 Q. What was the date of your termination?

3 A. May 3rd, 2009.

4 Q. So you continued to go into Bob Tigani's
5 AOL e-mail account for about a month and a half
6 after your termination, correct?

7 A. Correct.

8 Q. And then you stopped based on advice of
9 counsel?

10 A. Correct.

11 Q. When you went into Bob Tigani's AOL
12 e-mail account between the time of your
13 termination and mid-June 2009, what did you see?

14 A. I saw that the plan that was undertaken
15 by he and Steve Director, they were continuing to
16 conduct what I believe is an unlawful, an
17 unlawful plan, which I have alleged in my
18 complaints and amended complaints. I saw his
19 callous and careless attitude about his family
20 and I saw his indifference and incredible lack of
21 concern for the growing EDis situation and I saw
22 the conduct of someone who is just disrespectful.

23 Q. And those are all of your interpretations
24 based on e-mails you read?



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Christopher J. Tigani

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1 allows you to act as if you're on site but you're
2 not. So I'm not sure exactly what the technical
3 terms of that are.

4 Q. Do you recall a program called
5 SpectorSoft?

6 A. I do, but I don't recall what it does.

7 Q. Do you recall whether you acquired that
8 software?

9 A. I don't, but it's possible.

10 Q. Do you recall a program called Kernel
11 Recovery for Outlook Express Password?

12 A. Yes.

13 Q. What does that do?

14 A. That allows you if you have a PST file
15 and there's a password on the PST file, it allows
16 you to open it.

17 Q. Did you use that software?

18 A. I don't believe so because nobody had
19 passwords on their PST files.

20 Q. So you were able to get into people's PST
21 files without needing a password?

22 A. Correct.

23 Q. And when did you start going into
24 people's PST files?



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Christopher J. Tigani

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1 A. November of 2007.

2 Q. Whose PST files did you go into?

3 A. At that time [REDACTED]

4 Q. How about at later times?

5 A. Bob Tigani, Chris Tigani, Darlene Wunner,
6 Paul Ruggiero.

7 Q. Anyone else?

8 A. There may be.

9 Q. What's a PST file?

10 A. It is produced by Microsoft Outlook and
11 it stores e-mail and contacts and you can open it
12 with Outlook.

13 Q. So when you went into people's PST files,
14 were you looking for documents that you felt
15 might not be on the N.K.S. server?

16 A. No. Because if it's in your PST file,
17 then it's on the server.

18 Q. So what's the need to go into the PST
19 file then?

20 A. For backups, I mean to store, just to
21 have access to the documents. If they delete
22 them, you would find them on appassure.

23 Q. Okay. So you're saying anything that's
24 in the PST file is also on N.K.S.'s server?



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Christopher J. Tigani

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1 A. I believe so because if you delete it
2 from your Outlook, it's deleted as a PST file.

3 Q. So in what instances did you use the PST
4 files as opposed to using your access to the
5 server which you had administrator rights to?

6 A. Just to periodically create backups of
7 inboxes.

8 Q. So you created backups of people's
9 inboxes?

10 A.. The server did that automatically and you
11 do that by taking a picture of your PST file and
12 so you can access the PST file. Periodically we
13 were taking -- you take backups of your server,
14 your mail server in case you lose it. You can
15 revert back to a certain date. We had people's
16 PST files -- they're gigantic files. I mean, you
17 take a picture of the entire server and then put
18 it in a backup file and then you would dig
19 through that backup file and find the PST file
20 that you wanted.

21 Q. And you would dig through that backup
22 file and find the PST files, for example, of [REDACTED]
23 [REDACTED] Bob Tigani, Darlene Wunner and Paul
24 Ruggiero?



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Christopher J. Tigani

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1 A. Yes.

2 Q. And why were you looking at their PST
3 files? What were you looking for?

4 A. In [REDACTED]'s case I was looking for
5 evidence of his arrangement to have his college,
6 his children's college education paid for by one
7 of our suppliers or I was looking for any unusual
8 conduct between [REDACTED] and a supplier. I
9 found it.

10 Q. What did you find?

11 A. That he had made a deal with one of our
12 suppliers to sell his product to other Anheuser-
13 Busch wholesalers across the country and for each
14 wholesaler that he opened up, he would get
15 between five and \$10,000 put in each of his
16 children's 401(k) -- or 529b college savings
17 account.

18 Q. Where were those savings accounts?

19 A. They were held at Fidelity.

20 Q. Fidelity?

21 A. Investments.

22 Q. Did you ever have access to those
23 accounts directly online?

24 A. I believe so.



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